

App. No. 09/893,059(Morrison) ArtUnit2872 DR-AmendmentE (OA-Mar'04)

REMARKS

Pursuant to the specific requirements set forth by the Office Action of March 02, 2004, the Applicant Pro Se hereby requests the above amendments to the claims to be entered, in order to overcome the last enumerated rejections and meet all requirements, under rule 116. Namely, to define the present invention in claims which use only the terminology contained in the Specification, that is, without introducing new matter, AND to recite distinctly in the claims the several novel features and each unobvious physical structure characteristic of the present invention, which features and structure are/is shown both herein and in prior correspondences, to be patentable, novel, and unobvious over prior art.

The reason the merits are being explained and claimed here again is that the Applicant Pro Se, without attorney or agent, was (and still is) inexperienced with drafting allowable claims, claims which distinguish over prior art, claims which meet all requirements for allowability; Applicant's prior remarks and persuasive reasonings have been thus far insufficient only due to not knowing how to verbally express the unobviousness of the present structure; this inexperience constitutes good and sufficient reason why the present claims and explanation of merits weren't presented in this manner earlier. While prior rejected claims (drafted by the Applicant) have been found to have inadequate wording, the present invention is believed to be allowable,(due to numerous novel, unobvious physical features), and the present Amendment is another genuine effort to overcome all rejections and inadequacies in verbal expression; the present Amendment is urgently submitted and requested for entry and reconsideration of merits is requested.

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Claim 17 represents rewording of the (cancelled) Claim 10, where the offensive 'new matter' of the last attempt has been removed. Further, the passenger compartment is now explained with wording to show it has a left side, a right side, and a rear side, to better supply wording which explains the novel, unobvious features and physical locations of elements shown in FIG.1. The physical distinctions of the mounting position and aiming-of-the-back-up-mirror is now enhanced by the word 'substantially' instead of 'generally', and the positional phrases "substantially aft of the driver's seat, AND FURTHER "substantially forward of the rear end" now very clearly distinguishes over prior art while describing the position of the elements shown in FIG.1.

Claim 18 & 19 again simply describe the two embodiments that provide left-looking and right-looking back-up mirror systems.

REJECTION under 112 is now overcome:

because the phrases in the herein amended (much narrower) claims, if entered, no longer recite dimensions. The Applicant apologizes for the error, and regrets having incorrectly narrowed the (cancelled) claims 10-16 in a manner which accidentally, unintentionally, introduced 'new matter'. The Applicant pro se is still genuinely trying to draft allowable claims which meet all requirements for allowance; the inexperience of the Applicant (without attorney or agent) is the good and sufficient reason why this type of rejection happened, and due to this reason, it is requested that the present merits be reconsidered.

REJECTION under 103(a) is now overcome:

because the herein amended (very narrow) claims, if entered, now clearly distinguish those physical features and novel structure of the present invention which were neither obvious, nor relied upon, nor taught by the device of Jackson, the features are namely:

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a. the present back-up mirror mounting position is now more narrowly expressed in the claims as 'said position being also located substantially forward of said rear end', as has always been clearly shown in FIG.1.,

b. the present back-up mirror mounting position is now expressed in the claims as fastened 'generally against a generally vertical inside surface on said side of said passenger compartment', which is unique among all prior art systems which deliver views to the driver of objects outside the vehicle,

c. the present back-up mirror's 'reflecting surface lying in a substantially vertical plane', (while that of Jackson MUST lie in a tilted plane due to the laws of reflection, it cannot be upright; Jackson's Fig. 1 is proof that the ray coming up from the direction of the pavement gets reflected to travel horizontally towards the rear-view mirror, which requires a tilted mirror that does not lie in a vertical plane),

d. the present back-up mirror element is simultaneously aligned 'substantially parallel with said side of said passenger compartment', (while that of Jackson MUST lie in a plane diagonal to the side of the vehicle, which is optically necessary to split the 90-degree turn in half, as clearly seen in Jackson's own FIG.3 + FIG.4),

e. the present back-up mirror element position does not block any part of the normal rear-view field, (while that device of Jackson would not function or operate unless it did), specified with the wording 'whereby the back-up mirror element does not obstruct normal rear-view images'.

NOTE: The Applicant respectfully reiterates that a side-wall mounting position would render the device of Jackson INOPERABLE due to metal being opaque, the metal car body material is always interposed between the neighbor's bumper and the side-wall position. The Applicant therefore

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resubmits that the present mounting position is UNOBVIOUS after Jackson, and cites these further arguments for unobviousness:

-a) the prior art in this field have not been shown to enjoy commercial success, in spite of suggestions to construe that they address the present need or teach the present structure; if physical modifications to prior art were obvious in order to match the present structure of elements, they have not been shown to exist commercially, therefore such obviousness has not been supported.

-b)prior art lack any suggestion of physical modifications to meet or match the present invention physical structure, unsuggested modifications are unobvious modifications.

-c)those skilled in this field have not appreciated the advantages of the present invention's back-up mirror position, in that it does not block any existing rear-views, due to its optical path which avoids positioning its mirror element in the line of sight of the rear-viewing mirror,

-d)the reference relied upon, Jackson, is inoperative for its stated use if the back-up element is re-positioned as claimed herein, such physical modification would make it inoperative, making it an inoperative reference,

-e)the reference relied upon, Jackson, with numerous physical adjustments made in hindsight, (and made with strained interpretation), may possibly have addressed the present need, nevertheless, no evidence of such an implementation of modifications has been shown, and furthermore, it is an ancient (Parking Device, 1937) reference, many years old; and it did not offer the present steps forward, which steps are recited in the present claims,

-f) if indeed the present physical structure of elements were obvious in light of prior art, those skilled in the art would certainly have implemented it by now, and no evidence has been found of implementation,

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indicating that the present advantages and present structure were not obvious.

-g)the position of the present back-up mirror is contrary to several prior art references which relied upon an optical path between 2 mirrors which lies along the centerline of the length of the vehicle; in those cases, the present invention goes against what is taught by those references, and hence is unobvious.

-h)the present invention solves a different problem than the reference relied upon, Jackson(Parking Device); therefore, the present problem is clearly recited in the claims as "...deciding the safety of driving said vehicle in reverse into said lane of cross-traffic, whereby a collision' ..with a moving cross-traffic object...'can be better avoided'.

-i)No convincing reasoning was offered to support the judgement that the present physical structure of FIG 1 is obvious to those skilled in the art.

For all these physical distinctions, the Applicant still believes the present invention, especially as it is now very narrowly claimed, if entered, (and as it was also pictured in the film developed by Walgreen's in July, 2000--see photo submitted to USPTO in correspondence dated September,2002), to be both unobvious and patentable over Jackson, and all prior art cited to date.

--The Applicant submits that the physical structure of the present system of mirrors, including its back-up mirror mounting location is unobvious, and is not anticipated, and is unexpected; see Applicant's FIG.1, location of back-up mirror6. The present mirror system relies on a back-up mirror's physical mounting position which is not taught, suggested, or anticipated by the cited prior art; it also relies on its back-up mirror's reflecting-surface to physically lie in a nearly vertical plane,

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(i.e. aimed substantially horizontally) which simultaneously lies in a plane nearly parallel with a side of the vehicle. It also relies on a two-mirror system. These physical distinctions are submitted to be of patentable merit under Section 103.

The Applicant submits, as previously, that the step forward represented by the present invention should be regarded as useful to society, and represents a significant step and advancement, since it is an improvement to reduce the frequency of bodily injuries and property damage caused by collisions between an oncoming, moving, cross-traffic object and the backing-up vehicle, whose driver's view was otherwise blocked. --

REJECTION of claims 14,15, 16:

Applicant has herein requested to cancel these claims, without substitution, as suggested by p.4 of the March 02, 2004 Office Action.

REMARKS in RESPONSE to #5. found on p.4 of March 02, 2004 Office Action:

The structure of the device of Jackson does not teach or suggest nor permit the features of the present invention. The present claims, if entered, now clearly distinguish the physical, structural differences. The Applicant is glad to have learned of the 7 references, not relied upon, revealed in the March 02, 2004 Office Action. If the structure of Brinkley's device (1946, 2,398,354) FIGS 1 + 2 and Ben-Ghiath's device (1997, 5,666,227) FIG 1D + FIG 1G were not rejected by the USPTO as obvious after Jackson, then the present, different structure of mirror-mounting position inside a passenger vehicle is NOT at all obvious. The Applicant was unable to provide this reasoning regarding UnObviousness before now because the two references were unknown until the receipt of the March 02, 2004 Office Action. The present claims 17, 18, 19, if entered, contain numerous patentable physical distinctions over these references which are now known.

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The (cancelled) claim 1 was a very general and insufficient recitation of the physical features shown in FIG.1; the present attempt at drafting allowable claims in the present amendment, if entered, recites the physical features which are novel, and recites the need being solved, and recites the advantage of the structure.

The Applicant pro se is eager to learn whether this requested amendment is entered. In the interest of time, the Applicant can be contacted at (847)825-6871 (his home), to avoid falling into any status of Abandonment during this prosecution of the present Application. In light of the very narrowed claims herein, if entered, the Applicant is eager to strike any words or phrases from the Specification that are thereby rendered incorrect, and wishes to timely communicate those deletions in a subsequent amendment, if permitted.

Request for Claim Drafting Assistance

In view of each prior earnest and sincere attempt at drafting allowable claims, and in view of all prior Remarks by Applicant, the Applicant pro se solicits a reconsideration of merit, and resubmits that patentable subject matter is clearly present, in spite of the inexperience shown by numerous claims-drafting attempts prior to now.

If the examiner agrees that the claims are technically inadequate, the Applicant respectfully, and sincerely, requests that the examiner write an acceptable claim pursuant to MPEP 707.07(j) on behalf of the Applicant. ("...This practice will expedite prosecution and offer a service to individual inventors not represented by a registered patent attorney or agent. Although this practice may be desirable and is permissible in any case deemed appropriate by the examiner, it will be expected to be applied in all cases where it is apparent that the applicant is unfamiliar with the proper preparation and prosecution of patent applications.")

Conclusion:

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The Applicant pro se has herein requested amendments (cancellations and substitutions) to the Claims of this Application, to comply with the requirements in the 3/2/2004 Office Action. The Applicant has herein explained in the Remarks how prior Rejections are now overcome. The Application recites a novel structure of elements that is physically different from prior art, which unobvious structure produces new results, which solves long-felt need for a simple and inexpensive mirror system to improve driver safety when backing-up their passenger vehicle into lane(s) of cross-traffic, by providing an alternative view to the driver; the physical distinctions of the present novel structure are of patentable merit under Section 103. The Applicant wishes to place this application in full condition for allowance as soon as possible, without Abandoning the application.

Very Respectfully,

William L. Morrison, Applicant Pro Se

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On 2004 April 2x,

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